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**MEMO ENDORSED**

**U.S.D.C. SDNY**  
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11/14/07 @ 9:30 A.M.	* Also Admitted in PA
	** Also Admitted in NJ
	*** Also Admitted in OH
	Also Admitted in DC
	Also Admitted in CT
	Also Admitted in MD
<b>SO ORDERED:</b>	
Date: 10/1/07	Richard M. Berman
	Richard M. Berman, U.S.D.J.

Via First Class Mail

Hon. Richard M. Berman, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Nephty Cruz, et al. v. Independent Testing Laboratories, Inc.  
Docket No. 07 Civ. 6394 (RMB)(DFE)

Dear Judge Berman:

We represent Plaintiffs in the above-referenced matter. An initial conference had been scheduled in this matter on September 25, 2007. I did not appear on that date, although Allen Breslow, counsel for Defendant was present. It is my understanding that, at the conference, Mr. Breslow reported to the Court that the parties anticipate settling this matter. Plaintiffs are in agreement with Mr. Breslow's statement to the Court. Defendant has agreed to an audit by Plaintiffs' auditors, although an audit has not yet been scheduled by Defendant. In light of the planned audit of Defendant, Plaintiffs respectfully request a 45-day adjournment of the initial Court conference, during which time the parties anticipate the completion of the audit and settlement negotiations to have been commenced, if not completed.

KTW:aa

Respectfully submitted,

*Kellie Terese Walker*  
Kellie Terese Walker

cc: For Defendant: Allen Breslow, Esq. (via facsimile)

